



BEFORE THE ADA COUNTY PLANNING & ZONING COMMISSION

In re:

Application of Shawn L. Nickel (SLN Planning)

Project No. 201301484 ZOA

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

REVISED FINDINGS OF FACT

If any of these Findings of Fact are deemed Conclusions of Law, they are incorporated into the Conclusions of Law section.

A. The Commission finds that the record is comprised of:

1. Exhibits to the Staff Report.
2. All other information contained in Ada County Development Services File for Project No. 201301484 ZOA.

B. As to procedural items, the Commission finds the following:

1. In accordance with Section 8-7A-2B of the Ada County Code, the applicant completed a pre-application conference with the director prior to the submittal of the application on September 26, 2013.
2. On September 26, 2013, Development Services accepted Project #201301484 ZOA and scheduled it for public hearing before the Ada County Planning and Zoning Commission on December 5, 2013.
3. On September 30, 2013, staff notified other agencies of this application and solicited their comments. Any comments received were incorporated into the staff report and are attached as Exhibits.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Project #201301484 ZOA

Shawn L. Nickel, SLN Planning

4. Legal notice of the Commission's hearing was published in The Idaho Statesman on November 19, 2013.
5. In accordance with Section 8-7A-5E of the Ada County Code, a public service announcement was issued on November 20, 2013.
6. On December 5, 2013, the Commission tabled the application to their January 9, 2014 public hearing.
7. On January 9, 2014, the Commission approved the application and tabled the application to March 13, 2014 for revised findings of fact.

C. As to the applicable law, the Commission finds the following:

This section details the comp plan goals, objectives and policies; the zoning ordinance regulations; and other applicable standards regarding development of the subject property.

1. The Commission finds **Section 8-7-3 of the Ada County Code** is applicable because the application is for both a zoning ordinance map and text amendment. The Commission finds the application complies with **Section 8-7-3 of the Ada County Code**. Regarding Section 8-7-3 the Commission finds the following in regards to the zoning ordinance text amendment.

- 1. The zoning ordinance amendment is in accordance with the applicable comprehensive plan;*

The Commission finds that the **Ada County Comprehensive Plan and the comprehensive plans of the six Ada County cities as adopted by Ada County** are applicable because these comprehensive plans serve as a decision-making framework and policy guide for land use decisions within unincorporated Ada County.

The Commission finds that the proposed zoning ordinance text amendment is in accordance with the Ada County Comprehensive Plan and the comprehensive plans of the six Ada County cities as adopted by Ada County as there are specific use standards for the outdoor self-service storage facility to help mitigate the use from nearby properties. In addition, the City of Eagle in Exhibit #11 voted to recommend approval of the proposed zoning ordinance amendment. The City of Kuna in Exhibit #6 stated that they do not have any comments.

- 2. The zoning ordinance amendment complies with the regulations outlined for the proposed base district, specifically the purpose statement;*

The Commission finds that the proposed zoning ordinance text amendment would allow for outdoor self-service storage facilities in the Rural-Urban Transition (RUT) District, which is a residential district.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Commission finds that the purpose statement of the Rural-Urban Transition (RUT) District is to provide standards and regulations for the development of property within areas of city impact, consistent with the goals and policies of the applicable city comprehensive plan. Allow agriculture and rural residential uses to continue within areas of city impact until urban facilities are extended. Provide design standards that shall permit redevelopment of property to higher densities when urban facilities are extended. Limit new agricultural uses within areas of city impact to those that shall not significantly impact nearby urbanizing areas with noise, dust, or other nuisances normally related to more intensive farm uses, such as livestock confinement facilities with three hundred one (301) or more animal units. This article, however, shall in no way preclude the continued use of properties within these areas for agriculture.

The Commission finds that the proposed zoning ordinance text amendment complies with the regulations outlined for the Rural-Urban Transition (RUT) District as an outdoor self-service storage facility will be a conditional use and will require a public hearing in the front of the Commission. Also, the outdoor self-service storage facility has specific use standards to help mitigate the use from nearby properties such as requiring landscaping and screening; and having the hours of operation be limited between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. and for facilities abutting residential uses having the hours of operation be limited to the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M.

3. *The zoning ordinance amendment shall not be materially detrimental to the public health, safety, and welfare;*

The Commission finds that the proposed zoning ordinance text amendment is not materially detrimental to the public health, safety, and welfare because the ordinance has specific use standards that address public health, safety, and welfare. The changes suggested by the North Ada County Fire and Rescue District in Exhibit #10 have been incorporated into the ordinance by requiring the distance between vehicles, including RV's and trailers to be a minimum of ten feet (10') side to side, while maintaining a minimum of twenty feet (20') access aisle on at least one (1) end or as approved by the local fire authority. The distance between parking rows shall be a minimum of twenty feet (20') of travel lane for emergency vehicle access or as approved by the local fire authority. There are also requirements for a minimum amount of landscape screening as well specific hours of operation.

4. *The zoning ordinance amendment shall not result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services within the planning jurisdiction including, but not limited to, school districts, and*

The Commission finds that the zoning ordinance amendment will not result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services within the planning jurisdiction including, but

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Project #201301484 ZOA

Shawn L. Nickel, SLN Planning

Page 3

not limited to, school districts. The Idaho Transportation Department (ITD) replied in Exhibit #9 for the County not to approve this zoning ordinance amendment. ITD stated that there are frequent site access issues related to non-standard land uses adjacent to state highways and that these non-standard approaches sometimes create safety and operational challenges for ITD and that they cannot manage access to the state highway system under these conditions. In addition, their access management policies would be almost impossible to administrate. The Commission finds that ITD's concern can be addressed with a specific use standard for the outdoor self-service storage facility that requires for access locations into the facility to be approved by the applicable transportation jurisdiction.

The Commission finds that in addition to ITD the following agencies and/or political subdivisions have responded. The City of Kuna (Exhibit #6), Boise City Public Works Department (Exhibit#7), and the Eagle Fire District (Exhibit #8) replied with no comment. The City of Eagle responded in Exhibit #11 that the Eagle City Council voted 4 to 0 to recommend approval of the ordinance. The North Ada County Fire and Rescue District recommend some changes to the ordinance in Exhibit #10. Their changes include amending one of the standards and adding a new standard for the Storage Facility, Self-Service – Outdoor (Only). *The distance between vehicles, including RV's and trailers shall be a minimum of ten feet (10') side to side, while maintaining a minimum of twenty feet (20') access aisle on at least one (1) end or as approved by the local fire authority. The distance between parking rows shall be a minimum of twenty feet (20') of travel lane for emergency vehicle access or as approved by the local fire authority.* The ordinance has been modified to incorporate the North Ada County Fire and Rescue District's proposed language. The Ada County Engineer replied in Exhibit #13 that she recommends approval. The Ada County Building Division stated in Exhibit #14 that they have no objection to the amendment.

The Commission also finds that the Cloverdale-Columbia Neighborhood Association (Exhibit #17) provided comments. Some of the members of the association have concerns about the closeness of the facility to existing dwellings, blocking views, and having to change their own property use (why they were in the rural area) to accommodate someone's large RV. They suggested that language be added in order to protect existing dwellings from being in too close proximity to huge RVs or storage buildings. A specific use standard has been added that no boundary of the facility shall be located within one hundred feet (100') of a residential property line, with the exception of a boundary adjacent to a public roadway.

5. *For zoning ordinance text amendments within a planned community (PC) base district, the amendment complies with the planned community implementation plan.*

The Commission finds that the proposed zoning ordinance text amendment would only be applicable to those properties located in the Rural-Urban Transition (RUT) District.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Project #201301484 ZOA

Shawn L. Nickel, SLN Planning

Page 4

CONCLUSIONS OF LAW

If any of these Conclusions of Law are deemed to be Findings of Fact they are incorporated into the Findings of Fact section.

1. The Commission concludes that Project No. 201301484 ZOA complies with Section 8-7-3C of the Ada County Code.

ORDER

Based upon the Findings of Fact and Conclusions of Law contained herein, the Commission recommends denial of Project #201301484 ZOA to the Board.

DATED this _____ day of _____, 20____.

By: _____

John Seidl, Chairman
Ada County Planning and Zoning Commission

ATTEST:

Mark A. Perfect, Secretary

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Project #201301484 ZOA
Shawn L. Nickel, SLN Planning